

REMARKS

On June 4, 2007, Applicants timely filed an Amendment in response to the Office Action dated January 5, 2007. In that Amendment, claims 22-34 and 45-62 were withdrawn from consideration, but Applicants erroneously did not include the text of those claims in the Listing of Claims. On June 5, 2007, a Notice of Non-Compliant Amendment was mailed, giving one month to correct this mistake. On July 2, 2007, Applicants filed an Amendment, in which the text of these withdrawn claims appeared in the Listing.

On July 12, 2007, a further Notice of Non-Compliant Amendment was mailed, giving one month for response. This Notice pointed out that claim 61 was missing. Applicants respectfully note that no claim "61" was present in the application as filed. Nevertheless, Applicants have now **canceled** claims 61 and 62, removing any informality.

The remainder of this Amendment is identical to the Amendment filed June 4, 2007, except that references to claims 61 and 62 have been suitably modified.

This application has been carefully reviewed in light of the Office Action dated January 5, 2007. The claims as originally filed were numbered 1-60 and 62, with no claim numbered 61. Claims 1-21 and 35-44 are now pending for examination in this application, with claims 22-34 and 45-60 having been withdrawn from consideration, and claims 61 and 62 have been canceled. Independent claims 1, 2 and 21 are the only elected independent claims, and have been amended to address certain alleged informalities identified in the Office Action and to clarify a patentably distinct feature found in all of the independent claims. Favorable reconsideration is requested.

In the Office Action, claims 1-21 and 35-44 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that the claimed inventions allegedly did not “implement at least one employee stock plan,” as recited in the preambles. While Applicants submit that each of the independent claims 1, 2 and 21 did in fact recite operations that serve to implement an employee stock plan, Applicants have amended the preambles to recite systems and methods “supporting a plurality of different types of employee stock plans.” Applicants respectfully point out that the structure and steps recited in the amended claims effect operations that support different aspects of at least one of these plans. If the Examiner believes that the claims must recite *every* aspect of the plans, Applicants respectfully disagree and note that claims are only required to recite those elements that define the relevant invention, not overall systems or methods as applied. Applicants respectfully submit that the amended claims are proper under Section 112, second paragraph.

Applicants further note that on page 7, the Office Action appears to be taking the position that any claim language following the word “for” in the claim limitations is representative of intended use only and therefore not entitled to patentable weight. Applicants respectfully traverse this analysis and point out that reciting structure “for” performing a function is standard patent drafting practice in which the function performed is entitled to patentable weight. As the most obvious example, the “means plus function” format, wherein a claim element is recited as “means for (doing the function)” is expressly approved, with patentable weight given to that function. Nevertheless, in order to further prosecution, Applicants have amended the claims to avoid this “for” format. Applicants respectfully submit that the claims were proper

before, and therefore these amendments are not directed to changing the scope of the claims.

In the Office Action, claim 21 was rejected as anticipated by U.S. Patent 6,269,346 (Cristofich et al.). Claims 1-20 and 22-44 were rejected as obvious over Cristofich in view of U.S. Patent 5,692,233 (Garman). As shown above, Applicants have amended independent claims 1, 2 and 21 in terms which more clearly define the present invention. Specifically, the independent claims have been amended to clarify that the recited third party administration system, and therefore its nonvolatile database, are *not* part of the claimed “system supporting a plurality of different types of employee stock plans”, as defined in claims 1 and 2, nor part of the “overall system” in which the method of claim 21 operates. Applicants submit that the independent claims as amended are patentably distinct from the cited prior art for the following reasons.

As described in the present specification on pages 1-3, complicated systems and methods were known for implementing employee stock plans. However, such systems and methods required a concomitant full-service brokerage account or real-time access to employee demographic information (see page 2, lines 30-32). The present invention solves this problem by having the claimed system include a volatile data storage, e.g., volatile data storage 32 of finance system 4 (see Fig. 4), which does not need to store all this data. Rather, the volatile data storage instead periodically receives a data transfer from nonvolatile storage, e.g., nonvolatile data base 22 of a separate, third party administration system 6 (see page 9, line 30-page 10, line 8). As stated at page 10, lines 8-10:

“By avoiding the need to store and process all participant data, the complexity of the finance system 4 is thereby significantly reduced.”

In claims 1, 2 and 21 prior to this Amendment, it may have been unclear that the recited administration system was *not* part of the overall claimed system. Therefore, each of independent claims 1 and 2 has been amended to recite:

“the third party administration system being not a part of said system for supporting the plurality of different types of employee stock plans,”

Correspondingly, independent claim 21 has been amended to recite:

“the third party administration system being not a part of the overall system [in which the method operates]”

Applicants respectfully submit that this advantageous feature is not found in the cited prior art. Thus, in Christofich, the client participant database 22 is part of the overall system (see Fig. 1, col. 3, line 66-col. 4, line 9, col. 5, lines 47-57, col. 8, lines 47-54). Applicants have found no teaching or suggestion in Christofich that database 22 is not part of the overall system, nor that *any* nonvolatile storage that is *not* part of the overall system is used to store participant (e.g., employee) data.

Garman was cited merely as teaching an interface. Applicants have found nothing therein that would remedy the above-noted deficiencies of Christofich as a reference against the amended claims.

The remaining claims partake of the novelty of one of the independent claims.

In light of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are patentably distinct over the prior art of record and that the application is in proper form for allowance of all claims, and earnestly solicits a notice to that effect.

If the Examiner has any questions, the Examiner is invited to call Applicants' representative directly at (212) 969-3314.

Respectfully submitted,

Proskauer Rose LLP

By: Abigail Cousins
Abigail F. Cousins
Reg. No. 29,292

Date: July 31, 2007

Proskauer Rose LLP
Patent Department
1585 Broadway
New York, NY 10036-8299
Tel: (212) 969-3000
Fax: (212) 969-2900